

**ALLEGED SHIPMENT:** From on or about June 5 to July 14, 1943, by the Iowa Pacific Butter and Egg Co., from Ottumwa, Iowa.

**PRODUCT:** 5,243 cartons at Chicago, Ill., 3,639 cartons at Buffalo, N. Y., and 1,183 cartons at New York, N. Y., labeled as containing 30 pounds of frozen whole eggs.

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

**DISPOSITION:** Between January 7 and April 17, 1944. The Iowa Pacific Butter and Egg Co. having appeared as claimant for the lots at Chicago and Buffalo and for a portion of the product at New York, and Aiello Bros., Inc., Montclair, N. J., having appeared as claimant for the remainder of the product at New York, judgments of condemnation were entered. The Chicago and New York lots were ordered released under bond or other collateral, conditioned that the unfit portion be segregated and denatured under the supervision of the Food and Drug Administration. The Buffalo lots were ordered released upon deposit of a certified check, conditioned that the unfit portion be segregated and disposed of in conformity with the law, under the supervision of the Food and Drug Administration. The unfit portion of the Buffalo lots was subsequently denatured.

**6268. Adulteration of shell eggs. U. S. v. 385 Cases of Shell Eggs. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 11515. Sample No. 66134-F.)**

**LIBEL FILED:** December 28, 1943, District of New Jersey.

**ALLEGED SHIPMENT:** On or about August 8, 1943, by Tyson Produce, Sioux City, Iowa, from Clinton, Iowa.

**PRODUCT:** 385 cases, each containing 30 dozen shell eggs, at Jersey City, N. J.

**LABEL, IN PART:** "Specials Tyson Produce."

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

**DISPOSITION:** January 31, 1944. George Wittner & Co., Inc., New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed, or denatured and disposed of for technical purposes, under the supervision of the Food and Drug Administration.

**6269. Adulteration of albumen skimmings. U. S. v. Joe Lowe Corporation. Plea of nolo contendere. Fine, \$500. (F. D. C. No. 9615. Sample Nos. 2207-F, 2210-F.)**

**INFORMATION FILED:** On July 7, 1943, in the Western District of Texas, against the Joe Lowe Corporation, San Antonio, Texas.

**ALLEGED SHIPMENT:** July 5 and 17, 1942, from the State of Texas into the State of Illinois.

**VIOLATIONS CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of flies, beetles, larvae, pupae, insect fragments, and cast skins of larvae in one of the lots, and of the same kinds of filth and also mold in the other lot; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

**DISPOSITION:** January 7, 1944. The defendant having entered a plea of nolo contendere, the court imposed a fine of \$500.

## FEEDS

**6270. Adulteration of hog feed. U. S. v. Charles L. Whyte (Whyte Feed Mills). Plea of nolo contendere. Fine, \$25 (F. D. C. No. 10597. Sample No. 25721-F.)**

**INFORMATION FILED:** On December 6, 1943, in the Eastern District of Arkansas, against Charles L. Whyte, trading as the Whyte Feed Mills, Pine Bluff, Ark.

**ALLEGED SHIPMENT:** On or about March 10, 1943, from the State of Arkansas into the State of Texas.

**PRODUCT:** (Tags) "Horseshoe 40% Protein Supplement For Hogs."

**VIOLATION CHARGED:** Misbranding, Section 403 (a), the statements, "Guaranteed Analysis: Crude Protein not less than—40.00 Per Cent \* \* \* Crude Fiber not more than—6.00 Per Cent," on the labeling, were false and misleading as the food contained not more than 33.28 percent of crude protein and not less than 8.10 percent of crude fiber.

**DISPOSITION:** March 6, 1944. A plea of nolo contendere having been entered, a fine of \$25 was imposed.

**6271. Misbranding of livestock feed. U. S. v. The Sherwin-Williams Co., Plea of guilty. Fine, \$200.** (F. D. C. No. 10551. Sample Nos. 26498-F, 26499-F.)

**INFORMATION FILED:** On September 23, 1943, in the Northern District of Ohio, against the Sherwin-Williams Co., a corporation, Cleveland, Ohio.

**ALLEGED SHIPMENT:** On or about January 12 and 25, 1943, from the State of Ohio into the State of Maryland.

**LABEL IN PART:** (Tags attached to sacks) "Sheesley's Champion Live Stock Feed \* \* \* Analysis Minimum Crude Protein . . . 18% \* \* \* Manufactured for B. F. Sheesley & Son Harrisburg, Penna."

**VIOLATION CHARGED:** Misbranding, Section 403 (a), the statement, "Minimum Crude Protein 18%," borne on the labeling of the article, was false and misleading since the article in one shipment contained not more than 16.61 percent, and, in the other shipment, contained not more than 16.65 percent, of crude protein.

**DISPOSITION:** October 25, 1943, a plea of guilty having been entered, a fine of \$100 on each of 2 counts was imposed.

**6272. Misbranding of dog food. U. S. v. 11½ Dozen Packages of Charge Dessert for Dogs. Default decree of condemnation and destruction.** (F. D. C. No. 11308. Sample No. 65706-F.)

**LIBEL FILED:** December 13, 1943, Southern District of New York.

**ALLEGED SHIPMENT:** On or about November 17, 1943, by the J. R. Smith Sales Co., Inc., from Tenafly, N. J.

**PRODUCT:** 11½ dozen packages, each containing 6 ounces, of Charge Dessert for Dogs, at New York, N. Y.

The product was a fudge-like candy. The statement of the ingredients contained in the article appeared in small print on two side panels of the package.

**LABEL, IN PART:** "Rx Dr. Beere's Prescribed Brand \* \* \* Charge Dessert For Dogs Food Supplement Contains Minerals and Vitamins A B D G Manufactured for The Canine Vita Candy Co., Inc. \* \* \* New York."

**VIOLATIONS CHARGED:** Misbranding, Section 403 (a), the statements appearing in the labeling of the article which suggested that the article was not a candy; that it was made without sugar; that its use would insure good health and a well-balanced diet; that it was particularly necessary to use such a product under present feeding conditions; and that its use would prevent infections, insure proper digestion and growth, and be effective in the treatment of skin ailments, were false and misleading since the article was candy with added vitamins and sugar in the form of dextrose and corn sirup, and its use would not effect the results suggested and implied. The article was further misbranded in that statements in the labeling which suggested that dextrose has some unique property in supplying a dog with energy, and that the rate at which it is digested is nutritionally significant, were false and misleading, since dextrose is of no greater value as a source of energy than other carbohydrates for the normal dog, the rate or ease of digestibility is of no great significance, and dextrose has no particular value as a treatment for animals; and, Section 403 (f), the statement of ingredients required by the law to appear on the label of the article was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, and devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

**DISPOSITION:** January 5, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**6273. Adulteration of meat scraps. U. S. v. 84 Bags of Meat Scraps. Default decree of condemnation. Product ordered delivered to a government hospital for use as fertilizer.** (F. D. C. No. 11463. Sample No. 65685-F.)

**LIBEL FILED:** December 20, 1943, Eastern District of New York.